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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,367	01/28/2004	Peter Forsell	2333-125	4899

23117 7590 07/31/2006

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

HOLMES, REX R

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,367

Applicant(s)

FORSELL, PETER

Examiner

Rex Holmes

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01-28-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, 10-13, 17, 28 and 29 are rejected under 35 U.S.C. 102(b) as anticipated by FULLER (U.S. Pat. 3,872,455).

3. Regarding Claims 1-4 and 8, FULLER discloses a transmitter containing a coil with a front end and a rear end (FIG. 3, 20), a shield (FIG. 3, 68), a magnetizable core (FIG. 3, 64), and a magnetizable casing surrounding the coil (FIG. 3, 68). FULLER further discloses a casing surrounding the coil except for the front end (FIG. 3, 68), a core that extends along the longitudinal extension of the coil. (FIG. 3, 68), and a casing that surrounds the circumference of the coil along the longitudinal extension of the coil. (FIG. 3, 68). FULLER also discloses that the shield is made of ferrite (Col 9, Lines 60-64).

4. It is noted that the broadest reasonable interpretation of the word “integrated” is “made up of parts that work together” or “to unite with something else”. Since the shield is sprayed onto the core it is “integrated” with the core.

5. Regarding Claims 10-13 and 17, FULLER discloses an apparatus for wireless transfer of energy containing a transmitter (FIG. 1, 12), a implantable receiver (FIG. 1, 14), and at least one shield (FIG. 3, 68), adapted to shield the environment from said alternating magnetic field generated by said coil except at said front end of said coil,

Art Unit: 3762

said shield including a magnetizable core (FIG. 3, 64), extending in said coil and a magnetizable casing (FIG. 3, 68), integrated with said core and surrounding said rear end of said coil and the circumference of said coil along at least a portion of said longitudinal extension of said coil (See FIG. 3). FULLER further discloses that the casing completely surrounds the coil except for the front end. (FIG. 3, 68), that the core extends along the longitudinal extension of the coil. (FIG. 3, 68), and that the casing surround the circumference of the coil along the longitudinal extension of the coil. (FIG. 3, 68). FULLER also discloses that the shield is made of ferrite (Col 9, Lines 60-64).

6. Regarding Claims 28 and 29, FULLER discloses a method for wireless transfer of energy to a medical device implanted in a human comprising an implanted receiver (FIG. 1, 14), an external transmitter (FIG. 1, 12) containing a coil having a longitudinal extension with a front and rear end (FIG. 3, 68) that is directed at the receiver through the body, that transmits an alternating magnetic field (Column 9, Lines 45-47). FULLER also discloses a shield (FIG. 3, 68), that contains a magnetizable casing (FIG. 3, 68), surrounding the circumference of a magnetizable core (FIG. 3, 64), and coil (FIG. 3, 68).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3762

8. Claims 5, 7, 14, 16, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over FULLER.

9. Regarding claims 5, 7, 14, 16, 23 and 25, FULLER discloses the claimed invention except for the having the core and/or the coil extending past the casing and the cutout slits. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the coil and casing as taught by FULLER, with an extended coil and core and cutout slits, since it was known in the art that if you extend the coil and core past the casing or add cutout slits, you will make the impinging field wider and/or stronger.

10. Claims 6, 9, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over FULLER as applied to claims 1 and 10 above, and further in view of WINKLER (U.S. Pat. 5,527,348).

11. Regarding Claims 6 and 15, FULLER discloses the claimed invention but does not disclose expressly the design of the casing, such as the gable walls. WINKLER teaches an ergonomic plastic casing that provides the operator with a buffer between their hand the and magnetic field created by the coil. It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the ergonomic plastic casing as taught by WINKLER.

12. Regarding Claims 9 and 18, FULLER discloses the claimed invention except for the plastic casing and the casing being an order of centimeters from the coil. WINKLER teaches that it is known to use a plastic casing as set forth in (Column 4, Lines 35-48) to provide the operator with a buffer between their hand and the magnetic field created by

Art Unit: 3762

the coil. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the casing as taught by FULLER, with plastic casing as taught by WINKLER, since such a modification would provide the transmitter with a plastic casing for providing the operator with a buffer between their hand and the magnetic field created by the coil.

13. Claims 19-22, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over FULLER in further in view of VON ARX (U.S. App. US 2003/0114897 A1).

14. Regarding Claims 19-22, 24, and 26, FULLER discloses the claimed invention as detailed above except for the use of two transmitters. VON ARX teaches that it is known to use two transmitters as set forth in Paragraph 89, to provide other embodiments of the telemetry device that can have more than one transmitter to provide increased power/energy to the device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the transmitter as disclosed by FULLER, with the multiple transmitter apparatus as taught by VON ARX, since such a modification would provide the apparatus with two transmitters for providing increased energy to the receiver.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rex Holmes whose telephone number is 571-272-8827. The examiner can normally be reached on M-F 8:00 - 5:00.

Art Unit: 3762

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Rex Holmes 7/24/06


George Evanisko

Primary Examiner

1/22/06